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20231 on May 20, 2002

Martin G. Linihan
Name

Signature

May 20, 2002
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alan L. Everett

Examiner C. Kim

Serial No.: 09/761,624

Group 3752

Filed: January 17, 2001

Paper No. 9

For: Precision Dispensing Tip and Method

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notice of Non-Compliant Amendment mailed April 19, 2002 a copy of which is enclosed.

A Supplemental Amendment, Paper No. 10, is enclosed herewith in response to paragraphs 1, 2 and 4 on the first page of the Notice. Included with the Supplemental Amendment is a replacement for page 14 of the specification to provide a clean version of the Abstract.

Paragraph 3 of the notice is questioned because a clean version of the amended claims, including claim 6, was included with applicant's Amendment filed April 5, 2002, Paper No. 7. A copy of that previously-filed clean version of the amended claims is included herewith as Exhibit A.

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S. J. 3532
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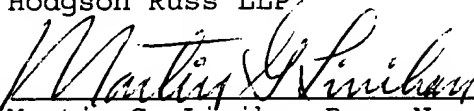
Page 2

Favorable action on this application is respectfully requested.

Respectfully submitted,

Hodgson Russ LLP

By


Martin G. Linihan, Reg. No. 24,926

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
Tel: (716) 856-4000
DATE: May 20, 2002

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,624	01/17/2001	Alan L. Everett	29627.0006 ✓	5312

✓ 7590 04/19/2002
Martin G. Linihan
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Buffalo, NY 14203-2391

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT PAPER NUMBER

3752

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 4/15/02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☒ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☒ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: Abstract & Claim Six

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

A. Cowan
Legal Instruments Examiner (LIE)

ATTACHMENT:

SAMPLE AMENDMENT FORMAT

Conventional Heading Information
for Amendment Supplied Here (Applicant, Appl. No., etc)

AMENDMENT

Sir:

In response to the Office action of October 10, 2000, please amend the above-identified application as follows:

In the Specification:

Please replace the paragraph beginning at page 5, line 15, with the following rewritten paragraph:

-- In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars. --

In the claims:

Please cancel claim 6.

Please amend claim 7 as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 watts and the weight of the grill member is about 3.5 kg.

(Page Break)

REMARKS/ARGUMENTS

Claims 1-5 and 7-10 remain in this application. Claim 6 has been canceled. Claim 7 has been amended.

Claims.....

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

SIGNATURE _____

(Page Break)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

Paragraph beginning at line 15 of page 5 has been amended as follows:

In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars.

In the claims:

Claim 6 has been canceled.

Claim 7 has been amended as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 ~~1600~~ watts and the weight of the grill member is about 3.5 kg.